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<p>1 PROCEEDINGS</p> <p>2 MR. JUEN: I want to welcome all of you and</p> <p>3 thank you very much for coming to this session with us</p> <p>4 today. For those of you I have not had the opportunity</p> <p>5 to meet or work with, my name is Jesse Juen. I'm the</p> <p>6 State Director for the Bureau of Land Management in the</p> <p>7 four-state area, including New Mexico, Texas, Kansas and</p> <p>8 Oklahoma.</p> <p>9 I'd like to start out to introduce our</p> <p>10 Deputy Director for our policy programs in D.C. Linda</p> <p>11 Lance has come with us and been with us just about six</p> <p>12 months; October is when she came on board. She's a lady</p> <p>13 with a tremendous amount of experience and a great</p> <p>14 attitude, and very, very smart about picking up on</p> <p>15 issues. She's been senior counsel. You guys may have</p> <p>16 known her when she was working with Senator Bingaman as</p> <p>17 well.</p> <p>18 MS. LANCE: From the great state of New</p> <p>19 Mexico.</p> <p>20 MR. JUEN: Yes, this is her favorite state.</p> <p>21 MS. LANCE: It is.</p> <p>22 MR. JUEN: But because of her set of</p> <p>23 experiences, both in the government world but also in</p> <p>24 the nonprofit world and in other NGO's, etcetera, she</p> <p>25 comes with a wealth of experience.</p>	<p>1 We'll be going to North Dakota later in the week, and</p> <p>2 then we'll have a meeting next week in D.C. that will be</p> <p>3 LiveStreamed, so you can continue to that if you'd like</p> <p>4 as well.</p> <p>5 So what we hope to do today was Tim has a</p> <p>6 slide presentation that's going to take about 15 minutes</p> <p>7 or so. And what we tried to do there was not to set out</p> <p>8 what we think is the exclusive list of issues or</p> <p>9 solutions or problems, but, you know, our initial take.</p> <p>10 We've been talking to EPA, we've been talking to the</p> <p>11 states. Some of your states have already done work on</p> <p>12 this issue.</p> <p>13 Our policy on this issue is more than 30</p> <p>14 years old. And we had a GAO report look at it in 2010,</p> <p>15 and they identified up to five percent of produced gas</p> <p>16 that's vented and flared, that's wasted, essentially.</p> <p>17 So our job is to make sure that we minimize that waste,</p> <p>18 that we bring in an appropriate amount of revenue from</p> <p>19 the resources that you all own, which we manage from</p> <p>20 natural gas that's produced.</p> <p>21 And the ancillary benefit is that if we can</p> <p>22 do a good job of that in an efficient and effective way,</p> <p>23 it will reduce methane, which, as you know, is a</p> <p>24 significant greenhouse gas. And I think the climate</p> <p>25 assessment that was just released yesterday provides</p>
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<p>1 And with that, I'm going to let her kind of</p> <p>2 set the stage for you today before Tim Spisak, our</p> <p>3 Senior Advisor for the Oil and Gas Program, kind of gets</p> <p>4 into the details. Thank you.</p> <p>5 MS. LANCE: Hey, thank you all for coming,</p> <p>6 so much. This is great to have so many of you here, and</p> <p>7 I know in the middle of a workday, and I appreciate you</p> <p>8 taking the time.</p> <p>9 I'm not going to make a speech, so, you</p> <p>10 know, I'll relieve you of that concern right off the</p> <p>11 bat. All I wanted to do was just to kind of set the</p> <p>12 stage for you about where we are, BLM, in working on</p> <p>13 this issue, and what we hope to do today at this</p> <p>14 meeting.</p> <p>15 We are starting work on the venting and</p> <p>16 flaring issue. We've done only -- done enough to know</p> <p>17 what we think the issues are -- a bunch of the issues</p> <p>18 are, but we haven't drafted anything. We think this</p> <p>19 will ultimately lead to a rulemaking, but we're in the</p> <p>20 early stage, and we wanted to start doing some outreach</p> <p>21 meetings at that stage and hear from you before</p> <p>22 we really put pen to paper, and make sure that we've</p> <p>23 adequately identified the issues, that we know what some</p> <p>24 of the solutions are and what some of the concerns are.</p> <p>25 And so this is our second outreach meeting.</p>	<p>1 even more reason for concern, and that we pay attention</p> <p>2 to that.</p> <p>3 So that's where we are. It's worked pretty</p> <p>4 well in the past for -- as Tim goes through, he'll stop</p> <p>5 and ask, at different sections, whether you have</p> <p>6 questions or comments at that point. And I think that</p> <p>7 works well so that everything is clarified as we go</p> <p>8 along. And then we'll have time afterwards for any</p> <p>9 comments, questions, conversation, anything like that.</p> <p>10 So I hope that works well for you. I thank</p> <p>11 you all so much for taking the time to work with us on</p> <p>12 this. We think it's important, and we want to get on it</p> <p>13 quickly, and your participation will really help us do</p> <p>14 that. So thanks, and here's Tim.</p> <p>15 MR. SPISAK: Thanks, Linda.</p> <p>16 Thanks, Jesse.</p> <p>17 Again, my name is Tim Spisak, Senior</p> <p>18 Advisor for Conventional Energy, located in the</p> <p>19 Washington office.</p> <p>20 Just so you know, I spent 20 years over in</p> <p>21 Amarillo working the helium program with Jesse, working</p> <p>22 with some of the issues in New Mexico, so I'm not</p> <p>23 totally a creature of the Washington office. But I did</p> <p>24 want to say that this process that we're using is</p> <p>25 similar to what we did with -- back in April of 2013 on</p>

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<p style="text-align: right;">Page 6</p> <p>1 our Onshore Orders 3, 4 and 5 that were -- where we did 2 some outreach of the LiveStreaming and the comment 3 period. And we thought that worked well and wanted to 4 kick off the venting and flaring outreach in the same 5 manner. 6 As Linda had mentioned, this is this second 7 of four sessions that we're doing. We're bundling it 8 with tribal discussions in the morning of each. We've 9 got Dickinson on Friday, and then a LiveStreaming event 10 next Thursday the 15th in D.C. 11 She did mention it would take about 15 12 minutes. That's just the slide part. So we expect 13 there to be a number of questions and comments at each 14 breaking point. And that's fine; that's by design. I 15 think it worked well in Denver, and we thought we'd just 16 continue it that way. 17 NTL-4A, Notice to Lessees 4A, governs 18 venting and flaring onshore, and it dates back 30 19 some-odd years. There's been a lot of technological 20 changes and different practices that changed over that 21 period of time, and based on some of our recent Office 22 of Inspector General and General Accountability Office 23 reviews, they were recommending that we push forward and 24 try to freshen, update the NTL-4A, and that's kind of 25 what we're considering right now.</p>	<p style="text-align: right;">Page 8</p> <p>1 objective that we're trying to go through here, is 2 through this outreach, to draw in -- put out some ideas 3 but to start that conversation as we move through our 4 regulatory process. This is designed to start that 5 dialogue with the interested parties. 6 I've talked already about the sessions 7 planned, and certainly, as we go through this process, 8 we want to recognize or consider existing federal rules, 9 those tribal rules, state rules, and any industry best 10 practices that have developed and that might be 11 transportable to other areas. 12 This pie chart here is a little dated now, 13 but it's a source -- a breakout of emission sources. 14 They dated that back to 2011. I must note it's onshore 15 for -- and it's not limited to just federal leases. 16 Starting from 12:00, moving clockwise and -- 17 UNIDENTIFIED: Excuse me -- what units is 18 this in? What are BCFs? 19 MR. SPISAK: Billing cubic feet. BCF, 20 billing cubic feet -- sorry. 21 But according to that inventory, about 25 22 percent of emissions from oil and gas operations onshore 23 is associated with completions and workovers, another 25 24 percent is associated with pneumatic devices, and the 25 next two biggest areas were emissions from tanks and</p>
<p style="text-align: right;">Page 7</p> <p>1 We're not doing this in a vacuum. We 2 certainly recognize that EPA, with their New Source 3 Performance Standards -- the NSPS has been in place 4 several years now, and they generally govern air 5 emission-type stuff for new installations, which is a 6 little bit different than what our authorities are. Of 7 course, our authorities surround generally around 8 minimizing waste and royalty calculation, that sort of 9 thing, on federal lands. But it is -- it's not our 10 intent to overlap and duplicate, and we'll be talking a 11 little bit about that as we go. 12 Also I'd like to mention, since our March 13 session, EPA has come out with I think it's five white 14 papers that covers liquid unloading, mag devices, 15 hydraulic fracturing of oil well completions, natural 16 gas compressions and leaks. These white papers range 17 from 30 to 70 some-odd pages, and basically, they kind 18 of set out the current state of knowledge, recapping 19 some of the reports, both more distant and even some 20 released this year, and put out some of the general 21 thoughts that they have and conclusions, but then may 22 ask a number of questions about do they have it right; 23 is there other things that they're missing? 24 And it's kind of their way of doing what 25 we're doing here -- at least that's kind of the same</p>	<p style="text-align: right;">Page 9</p> <p>1 storage vessels and gas compressors. 2 Just there have been some updates, and this 3 is an example of some of the information that we're 4 using to help refine where we will spend our regulatory 5 efforts. Just as a general statement, we have a certain 6 amount of time to be able to do certain things, and 7 certainly we want to focus where we can do the most good 8 for the largest amount of emissions. And it's this type 9 of data that will help inform our discussions and our 10 efforts going forward. Certainly the feedback that we 11 get from you all will certainly inform it also. 12 The eight major topics that we're going to 13 be covering, we'll start with well completions, 14 production tests, well purging associated with liquid 15 unloading, casinghead and associated gas, gas 16 conservation plans, emissions from storage vessels and 17 tanks, pneumatic devices, and leak detection and repair. 18 Again, we're looking to solicit views and 19 ideas on how to address these major topics. This is not 20 intended to be a complete list. Through these 21 discussions, we might identify other areas that we 22 should consider. We may find that some of these are not 23 realistic to consider, and that's part of the feedback 24 that we're wanting to get from you all. 25 We do have a comment period, and the e-mail</p>

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<p style="text-align: right;">Page 10</p> <p>1 at the end, I'll show you, but we're looking to have 2 comments back by May 30th. And as we launch into the 3 different ideas, basically, the format that I'll use for 4 each major area, I'll talk about, you know, how we're 5 defining it, what our current BLM policy is, if any, and 6 then some of the potential ideas that we might could use 7 to deal with it and regulate it. And at that point, 8 I'll break and I'll ask for any comments or questions or 9 clarifications on it.</p> <p>10 So let's start in. First, well 11 completions. Of course, this is the process to 12 establish production from a well. I think something we 13 want to point out here, we would be determining those 14 activities before a permanent wellhead is installed to 15 be under the realm of the well completion. Anything 16 post-permanent wellhead we're putting into the 17 production test bucket or some other bucket.</p> <p>18 Our current policy is that there's no 19 royalty obligation that's accrued on any produced gas 20 that is vented or flared during the well completion 21 phase. That's our current policy.</p> <p>22 Some potential ideas would be to place no 23 due requirements on well completions. That's 24 recognizing that the EPA has the NSPS requirements out 25 there they put out in their Quad O regulations. That</p>	<p style="text-align: right;">Page 12</p> <p>1 and drilling decisions, that there's not actually a lot 2 of familiarity by BLM State and Field Office staff with 3 existing waste policy. And given the fact that this 4 rulemaking may take some time, maybe a year, two years, 5 three years, who knows, I think it would be very 6 beneficial for BLM to issue some sort of statement to 7 the effect that, "Hey, we still -- we have an existing 8 waste policy. It may be imperfect, but we nonetheless 9 have this waste policy," and that it needs to be 10 implemented and enforced.</p> <p>11 And our sense is that will help with the 12 learning curve for state and field offices such that 13 when this new rule does inevitably come out, that it 14 will be more easily implemented and enforced because 15 state and field offices will be aware of the obligation 16 to prevent waste and will have already been thinking 17 about it in the context of their place-based decision.</p> <p>18 This leads to my second point, which is 19 very much appreciate the various major topics. Our 20 sense is that, with each one of these topics and each 21 particular source of methane waste, that it's very 22 important to nest this process within BLM's existing 23 planning and decisionmaking process.</p> <p>24 Right now, when we've taken a look at 25 R/P's, leasing decisions, lease analyses, there's</p>
<p style="text-align: right;">Page 11</p> <p>1 was for hydraulically fractured gas wells in developed 2 fields. And we could just move forward and just let the 3 EPA regulation go forward there and cover well 4 completions, or we could expand that into other areas 5 other than hydraulically fractured gas wells for 6 capturing, or an injection user, combusting and flaring. 7 So those are some other thoughts of areas that we might 8 consider.</p> <p>9 At this point, I'll break for any questions 10 or comments, concerns.</p> <p>11 Before we start, we do have a court 12 reporter here. It's our intention to put the transcript 13 up on the web page, so we'd like you to come up to one 14 of the microphones, state your name, and then go with 15 the question.</p> <p>16 Question? If somebody else has one, if you 17 want to make your way to one of the microphones, it may 18 be a little more efficient that way.</p> <p>19 MR. SCHLENKER-GOODRICH: Thank you, Tim. 20 My name is Erik Schlenker-Goodrich. I'm with the 21 Western Environmental Law Center.</p> <p>22 I'd like to make three comments. The first 23 two are sort of general framing issues. You reference 24 Notice to Lessee 4A. It's our general sense, as we've 25 been looking at a variety of resource management plans</p>	<p style="text-align: right;">Page 13</p> <p>1 actually no recognition whatsoever that the agency has 2 an obligation to prevent waste. At best, there is a 3 reference to "We have a waste policy," but there's no 4 analysis about the magnitude of waste emissions. 5 There's analysis about greenhouse gas emissions, but not 6 in the context of waste and not in the context of 7 considering alternatives specifically designed to 8 prevent waste. And so incorporating this rule into the 9 ultimate planning, decisionmaking process we think is an 10 imperative.</p> <p>11 The third comment I'd make is it's not 12 clear us to why only unavoidable -- only avoidable waste 13 is royalty-bearing. It seems to us that even in a 14 situation where you need to flare, for example, where 15 there is authorized flaring or venting, that's a cost of 16 doing business.</p> <p>17 And with these oil and gas resources, oil 18 and gas resources are public resources; they're owned by 19 the American people. And so by in effect not charging 20 royalties, the American people are essentially 21 subsidizing the waste of a resource.</p> <p>22 So we would ask BLM to consider and at 23 least substantiate sort of the distinction between 24 avoidable and unavoidable waste and royalty-bearing 25 versus nonroyalty-bearing, and we would encourage BLM to</p>

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<p style="text-align: right;">Page 14</p> <p>1 kind of internalize the cost of that waste, even when 2 it's authorized by charging royalties on new additions. 3 So, for example, with well completions, 4 even when it's authorized, we think that that flaring, 5 if there is flaring that necessarily needs to happen, 6 whether for a public health issue or a safety issue, 7 that that should be royalty-bearing regardless. 8 Thank you. 9 MR. SMITH: Is there a queue or is it just 10 first come, first serve? 11 MR. SPISAK: You're up. 12 MR. SMITH: Hi, Darren Smith with Devon 13 Energy. 14 You mentioned, Tom, that pie chart that you 15 used throughout the admissions was updated, and I guess 16 a suggestion we would have is industry would be -- we'd 17 like to see a similar pie chart that's kind of developed 18 once the EPA rules fully take effect, and then also, how 19 that -- how it also gets adjusted given the most recent 20 greenhouse gas inventory data that's available. 21 It seems unfortunate that we started this 22 rulemaking or this effort kind of using antiquated data, 23 and this whole effort would be better informed if we 24 really knew the extent of the emissions from the 25 industry.</p>	<p style="text-align: right;">Page 16</p> <p>1 and if you want the revenue later, the process has to 2 get the well cleaned up completely. So it's not this 3 willy-nilly (Henny) Penny, it's only done when it's 4 absolutely necessary. 5 Thank you. 6 MR. SPISAK: Thank you. Anybody else? 7 Okay. We'll move on to the next area, 8 production tests. Generally they're tests on oil or gas 9 wells to determine its flow capacity or for specific 10 concerns for reservoir and flowing temperatures -- 11 excuse me -- pressures. Initial production tests are -- 12 currently, venting and flaring is authorized up to 30 13 days or 50 million cubic feet. Right now, we do not 14 allow the tests to exceed 24 hours. I'm sure there's 15 exceptions associated with these. These would not incur 16 any royalty, as with the completion tests. 17 Some potential options that we might use to 18 deal with production tests: Extend some of the well 19 completion ideas to the production tests, for instance, 20 maybe providing some limits -- different limits for 21 tighter constraints to gas wells, possibly use of some 22 of the best available control technology that's out 23 there, potentially lowering some of the limits for oil 24 well production tests. 25 It could require the operator to be on site</p>
<p style="text-align: right;">Page 15</p> <p>1 Thank you. 2 MR. SPISAK: Sure. 3 Just a comment about that chart. It was 4 something that was readily available that kind of 5 illustrated -- while not being the be all, end all, as I 6 mentioned earlier, there is a continuing commission 7 that's coming forward, and we're not limiting it to that 8 one pie chart, certainly. 9 Any other questions, comments? 10 Yes, sir? 11 MR. GIRAND: Dan Girand, Mack Energy, 12 Artesia. 13 Let's don't forget that we are regulated by 14 the state. We are regulated by BLM. We have to have 15 permission really to vent or flare in any instance. And 16 now we have EPA in the mix, and I think we should be 17 careful about getting too many people regulating single 18 events because then it gets regulations piled on each 19 other, and they don't often match, and so you get in 20 this switch of what we do and what don't we do. 21 The other thing to remember is that yes, 22 there is some loss of revenue out there, but we lose the 23 most. Royalties are twelve or ten or some percent. We 24 have 90 percent of these. We are not losing anything 25 that we can avoid. Some of this is part of the process,</p>	<p style="text-align: right;">Page 17</p> <p>1 for all tests, limit the performance test just to those 2 that validate performance. That sounds fairly 3 commonsense. One might expect that's already probably 4 happening. 5 Any comments or questions on production 6 tests? 7 Okay. Moving right along, liquids 8 unloading. And typically what we're talking about is 9 the well purging, the emissions associated with the 10 liquid unloading operation. And it's opening the well 11 bore to the atmosphere, allowing the reservoir pressure 12 to push out, push off those liquids. Current BLM policy 13 would limit those events to 24 hours, but we have no 14 cumulative duration times, for instance, monthly or 15 anything like that. 16 Some potential ideas could be around the 17 lines of having the operator first attempt to unload 18 liquids without venting, use potential ideas before 19 going and using the venting as a last resort; requiring 20 that the operator be on site during these treatment 21 operations; record the cause, date, time and duration of 22 the event; and then, as I've just mentioned, opening a 23 well bore to the atmosphere is the last resort. These 24 first four are similar to what Colorado and Wyoming have 25 been talking about or have adopted recently.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Another potential idea is, for new wells 2 going forward, especially in an area where historically, 3 through time, it will get to the point where you would 4 need to blow the well to the atmosphere, build in the 5 infrastructure or the equipment up front or whatever it 6 might be. 7 It may not be all the equipment, but the 8 certain parts that are very costly to put in later, put 9 that in at the beginning, so then when you get to the 10 point where you would need to install that equipment, 11 the part would already be put in. And so you would know 12 up front that you wouldn't be allowed to blow to the 13 atmosphere, so you'd put in the equipment necessary to 14 be able to deal with it when the time comes, or possibly 15 an establishment -- a lower cumulative duration of 16 limits for the purging operations. 17 Questions, comments, clarification? 18 Yes, sir? 19 MR. SCHLENKER-GOODRICH: Again, Erik 20 Schlenker-Goodrich for Western Environmental Law Center. 21 Tim, I just wanted to echo our support for 22 your comment about doing the upfront planning and 23 decisionmaking to ensure that the infrastructure is put 24 in place to capture that gas. 25 One thing that we would encourage, too, is</p>	<p style="text-align: right;">Page 20</p> <p>1 But your questions, comments? 2 Okay. Thank you. 3 Casinghead and associated gases, it's 4 defined as the natural gas that is produced from an oil 5 well that is either sold, reinjected or used for 6 production purposes. Sometimes it's vented, hopefully 7 rarely, or flared, depending on whether the well is 8 connected to a gathering line. 9 Current BLM policy requires operators to 10 receive approval for flaring casinghead gas. And the 11 BLM considers that total leasehold production both for 12 oil and the gas, as well for the economics of the 13 field-wide plan. 14 Something to note: We have very little 15 guidance on what constitutes an appropriate economic 16 analysis, so we -- the field basically relies on maybe a 17 state analysis or maybe the information that a company 18 brings. And a thought is that without some -- at least 19 some general ideas what we're looking for, it -- we do 20 get an uneven application of the tenets of this -- of 21 the NTL-4A that applied office to office. 22 So with that being said, some of the 23 potential ideas would to be establish clearer economic 24 tests that would, while not necessarily spelling out a 25 specific equation, but it could be a couple templates or</p>
<p style="text-align: right;">Page 19</p> <p>1 thinking about not just the production side but the 2 downstream side when you get to the midstream 3 processors. In many instances, we've been aware of 4 situations where you might have the production stage 5 infrastructure to capture the methane, but you don't 6 have the downstream infrastructure to actually ensure 7 that that captured gas can get into market. 8 And I think that's a unique area where BLM, 9 with, for example, its planning and management 10 authority, can ensure not just that the production stage 11 infrastructure is put in place, but also the gathering 12 lines, the compressor infrastructure, and that there's 13 downstream processing capacity to ensure that that 14 captured gas can actually get to market. 15 So we would encourage you to think -- well, 16 we appreciate the upfront planning and thinking about 17 this and put that infrastructure in place, and to think 18 about what the consequences are in terms of the 19 downstream or upstream processing, when you get to that 20 processing capacity, to ensure that it can get to 21 market. 22 Thank you. 23 MR. SPISAK: Generally, our authorities 24 stop at the lease or unit boundary, but I understand 25 what you're saying.</p>	<p style="text-align: right;">Page 21</p> <p>1 ideas that might specify specific rates of return, 2 discount rates, payoff criterias; the use of a 3 field-wide economic test, not necessarily a 4 well-by-well; shifting gears a little bit, potentially 5 considering some kind of gas combustion efficiency 6 standard, making sure that the gas is flared, that it 7 has combusted to a certain level. 8 Some other potential options if the gas 9 conservation is not economic: Ensure that the operator 10 may only approve -- flare with an approved application 11 to flare. Consider should these flaring approvals just 12 be fixed for a specific period of time or maybe 13 limitations to the number of approvals or renewals; if 14 they are for a fixed period of time, ensuring that 15 there's a revised economic analysis that's provided to 16 reflect any changes in conditions that might have 17 occurred since the last analysis was looked; and 18 potentially ensuring that, as new wells are added, that 19 the economics are reevaluated and it's just not a 20 decision carried over from before. 21 Questions, comments, concerns? 22 MS. FOSTER: Good afternoon. My name is 23 Karin Foster. I'm the executive director and attorney 24 for the Independent Petroleum Association of New Mexico. 25 MS. LANCE: That's not on. Did it get</p>

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<p style="text-align: right;">Page 22</p> <p>1 turned off?</p> <p>2 MS. FOSTER: Okay. Can you hear me now?</p> <p>3 There you go. My name is Karin Foster. I'm the</p> <p>4 executive director and attorney for the Independent</p> <p>5 Petroleum Association of New Mexico.</p> <p>6 As it pertains to this question, Tim,</p> <p>7 representing independent operators, I have a concern</p> <p>8 with our smaller operators being able to do your</p> <p>9 field-wide economics. This kind of ties into the same</p> <p>10 issue that we're having with the Office of Natural</p> <p>11 Resource and Recovery in that they expect us to have</p> <p>12 information from third party pipelines as well as other</p> <p>13 companies who might be in the field.</p> <p>14 So in this instance, it will be very</p> <p>15 difficult for small operators to do field-wide economics</p> <p>16 for you. Obviously, we do informal economic analysis</p> <p>17 for business determinations on our own wells in</p> <p>18 locations, but doing a larger economic analysis will be</p> <p>19 very difficult.</p> <p>20 Thank you.</p> <p>21 MR. SPISAK: Questions, comments?</p> <p>22 Moving right along, gas conservation plans,</p> <p>23 they're defined as an action plan that eliminates or</p> <p>24 minimizes venting and flaring of gas from oil wells.</p> <p>25 Currently, BLM policy is that -- a BLM action plan will</p>	<p style="text-align: right;">Page 24</p> <p>1 process -- where after that period of time, it would be</p> <p>2 expected that that infrastructure would be in place.</p> <p>3 So it would be a condition of the approval</p> <p>4 method if it wanted to be done in that time. In fact,</p> <p>5 you wouldn't be able to start doing the well. I mean,</p> <p>6 that's what that idea is saying.</p> <p>7 Any questions, comments, clarifications on</p> <p>8 those?</p> <p>9 Yes, ma'am?</p> <p>10 MS. FORT: Hi, I'm Denise Fort with the New</p> <p>11 Mexico Rio Grande Chapter of the Sierra Club.</p> <p>12 I'm concerned about a regulatory approach</p> <p>13 that in effect provides for variances based on the</p> <p>14 economic conditions, just as was pointed out by the last</p> <p>15 comment. And I would think that one would want to</p> <p>16 have -- if it's not economic to capture the gas, then</p> <p>17 perhaps it's not an appropriate time for that field to</p> <p>18 be developed.</p> <p>19 So in general, if environmental regulations</p> <p>20 are in effect, the variances are rare, this would seem</p> <p>21 to put quite a burden on the field office and a burden</p> <p>22 on the NGO and the stakeholder community to participate</p> <p>23 in the series of variances.</p> <p>24 Thank you.</p> <p>25 MR. SPISAK: Okay.</p>
<p style="text-align: right;">Page 23</p> <p>1 eliminate venting or flaring from a gas well within one</p> <p>2 year from the date of application. And the benefit of</p> <p>3 signing one of these is that it will be royalty-free</p> <p>4 during that implementing period.</p> <p>5 Some potential options: With an operator's</p> <p>6 commitment to install some of that gathering</p> <p>7 infrastructure, then we would allow flaring during</p> <p>8 that -- during the construction period, however long</p> <p>9 that might take, possibly restricting the number of</p> <p>10 extensions allowed for approval of the flaring so it's</p> <p>11 clear that at some point, the royalty-free use of that</p> <p>12 would go away. If gas conservation is economic and</p> <p>13 there's not infrastructure in place, only allow flaring</p> <p>14 under an approved gas conservation plan which would</p> <p>15 basically lay out plans for fixing it.</p> <p>16 In cases where it's clearly economic,</p> <p>17 redefine the unavoidably lost definition after a period</p> <p>18 of time where, if it's not being collected by that time,</p> <p>19 that it actually become royalty-bearing.</p> <p>20 Another potential option is, going into</p> <p>21 fields where you know you're going to have oil wells</p> <p>22 with casinghead gas, that we would conditionally approve</p> <p>23 the APD's that would allow a certain period of time, a</p> <p>24 grace period, if you will -- how much time that might be</p> <p>25 would be up to discussion or up to the rulemaking</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. SCHLENKER-GOODRICH: Erik</p> <p>2 Schlenker-Goodrich, Western Environmental Law Center.</p> <p>3 Quick question, Tim: Were you considering</p> <p>4 the gas conservation plan in the context of specific</p> <p>5 wells or at a different level?</p> <p>6 MR. SPISAK: Generally, specific wells, but</p> <p>7 if -- that's something that could be ramped up for a</p> <p>8 field-wide-type approach.</p> <p>9 MR. SCHLENKER-GOODRICH: Yeah, we would</p> <p>10 strongly encourage -- and again, this goes to my prior</p> <p>11 point about using existing planning and management</p> <p>12 authority. For example, at the R/P stage, thinking</p> <p>13 about putting the gas conservation plan at that broader</p> <p>14 fuel level, even at a broader resource area level, and</p> <p>15 then also utilizing existing tools such as a master</p> <p>16 leasing plan and putting in a gas conservation plan,</p> <p>17 adding in several parts of that master leasing plan.</p> <p>18 And our sense is that you would get</p> <p>19 efficiencies of scale. When you'd move away from a</p> <p>20 single well, you're thinking more about field-level</p> <p>21 development. So rather than a single well with a</p> <p>22 gathering line, compressor power, you're really thinking</p> <p>23 about how you're going to develop a particular field.</p> <p>24 And this would open up the door to options</p> <p>25 such as phase development, where you're controlling the</p>

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<p style="text-align: right;">Page 26</p> <p>1 timing, phase and location of development to maximize 2 the reduction of methane waste. 3 And this goes in echoing a point that 4 Denise made -- Denise Fort with Sierra Club made. In 5 some instances, I think if you focus in at a specific 6 well level, the economic may degrade such that you are 7 wasting a lot of gas, and it may put into question 8 whether you can drill that particular well at all. 9 At a higher level, you might be able to 10 facilitate better development, more economic 11 development, and ultimately optimize the extraction of 12 the oil and gas resource while minimizing the 13 infrastructure on the landscape. And that would also 14 have an indirect effect, beneficial effects to, for 15 example, wildlife. 16 So if you're controlling phasing 17 development, you're not only helping to reduce methane 18 waste, you might also be -- help to protect other 19 resources on the landscape, again, like wildlife, water, 20 public health, whatever. 21 Thank you. 22 MR. SPISAK: I think it's fair to say that 23 over the years, the last ten years or so or more, that 24 BLM has done more planning, and certainly the plans have 25 gotten more restrictive, not less. We, as a matter of</p>	<p style="text-align: right;">Page 28</p> <p>1 significant delay, at least here in New Mexico, with 2 granting those rights-of-way to lay pipe, which is 3 causing a lot of problems for our producers. 4 So I hope that, you know, that bottleneck 5 will be resolved in terms of if we're going to be 6 talking about limiting the number of extensions allowed, 7 if it's based on a third party that can't get that 8 extension, or because the federal government doesn't 9 have enough personnel to give it the right weight. 10 There's issues there. 11 MR. SPISAK: And that's understood. 12 MS. FOSTER: Thank you. 13 MR. SPISAK: Thanks. 14 Any others? Okay. 15 Emissions from storage tanks and vessels 16 kind of defines itself. There are gas vapors lost from 17 the storage tank on a lease. Current BLM policy is that 18 those vapors released from storage tanks are seen as 19 unavoidably lost, and they do not generate any royalty 20 bearing unless the authorized officer requires recovery. 21 Some potential options. Understanding that 22 new wells are covered by the new BLM -- or excuse me -- 23 EPA New Source Rules, they require the combustion or 24 capture of gas vapors from these storage vessels with 25 the emission greater -- potentially greater than six</p>
<p style="text-align: right;">Page 27</p> <p>1 course, will often use full field developmental EIS's as 2 a means of analyzing, not on a well-by-well basis -- 3 we've kind of gotten away, to a large extent -- not 4 completely, but to a large extent, the well-by-well type 5 of (inaudible) analysis and looked at the larger impacts 6 at a fuel development level. And I could see this kind 7 of going in that direction. 8 So any other questions, comments? 9 Yes, please? 10 MS. FOSTER: Karin Foster on behalf of the 11 Independent Petroleum Association. 12 Under your potential option, number one, it 13 states that flaring is authorized during construction 14 time. That's kind of a vague term. Construction time 15 of the pipeline, construction time of the well? What 16 are you talking about, construction time? 17 MR. SPISAK: Good question, I mean, define 18 it. I mean, at this point, it's just -- it's a thought, 19 it's an idea, what might construction time be. Is it 20 just the stuff on lease or is it -- how far does it go? 21 MS. FOSTER: Right. And then again, you 22 know, as it pertains to construction time and extension 23 for flaring, again, independent operators are relying on 24 third party pipeline companies to come to the BLM and 25 get rights-of-way to lay those pipes. There's been a</p>	<p style="text-align: right;">Page 29</p> <p>1 tons per year of volatile organic compounds, VOC's. So 2 we wouldn't duplicate that, but it's more of a 3 recognition of what's out there already. 4 Where potentially we might go would be for 5 existing wells, would we require installation of 6 combusters for storage vessels with the emissions 7 greater -- maybe a higher threshold, maybe the same 8 threshold, something along those lines. 9 Is there another threshold or some kind of 10 throughput that would be better served than a ton per 11 year of VOC's? Are there safety-related thresholds? I 12 know certainly there's a concern you don't want storage 13 vessels, you know, blowing up because we've got them too 14 tightly capped or whatever. With those types of things, 15 we would like to hear more. 16 Any questions or comments about storage 17 vessels and tank emissions? 18 Yes, ma'am? 19 MS. FOSTER: Sorry, guys. Again, Karin 20 Foster on behalf of the Independent Petroleum 21 Association. 22 I did have a meeting with several of my 23 members, and so a lot of questions came up. That's why 24 I got up and queued: I wanted to ask a question. 25 MS. LANCE: That's what we're here for.</p>

<p style="text-align: right;">Page 30</p> <p>1 MS. FOSTER: Okay. Thank you. 2 On this storage tank issue, obviously, 3 Subpart Quad O did come into effect. And the first 4 reporting requirement was on April 15th, and so 5 operators are trying to deal with that. And as you 6 know, Subpart Quad O is for new tanks that were 7 installed after a certain date, very recent. 8 So expansion of your policy to existing 9 wells obviously is very concerning to us because, 10 frankly, for small operators again, we are trying to 11 figure out -- we're trying to hold onto the tail of the 12 donkey, so to speak -- that's Subpart Quad O right 13 now -- and figure out what we need to do just for those 14 new locations. And trying to expand it to existing 15 locations is going to be extremely overwhelming. 16 What we would ask for is that if you were 17 to do this, that you would at least have the same 18 requirements as Subpart Quad O in terms of the six tons 19 per year (inaudible) as a requirement. And then under 20 Subpart Quad O, there is an off-ramp opportunity there 21 that if you drop below the four tons per year, then you 22 don't have to report anymore. So we hope that you're at 23 least going to be consistent. 24 As for the existing wells, obviously, you 25 know, I think -- at this point, my response would be any</p>	<p style="text-align: right;">Page 32</p> <p>1 safety concerns, and obviously, we all have some safety 2 concerns when we're out there on location. But that 3 question is kind of a catchall. And opening it up to 4 safety really does expand it significantly, and that's 5 concerning. 6 MR. SPISAK: Thanks. 7 Any other question, comment? 8 Yes, sir? 9 MR. GIRAND: Dan Girand, Mack Energy, 10 Artesia. 11 Well, I hear you saying stuff in the future 12 you're going to comment on. I see a great additional 13 workload on BLM and on industry. And the problem is 14 that we're not getting permits on time, quickly now. 15 And to do all of these things and bog yourself down even 16 more, how is that going to work? It's going to be an 17 improbable situation. 18 MR. SPISAK: Understood. That's part of 19 the economic analysis and going through the process. 20 Thank you for the comment. 21 Yes, ma'am? 22 MS. FEIBELMAN: Camille Feibelman, Rio 23 Grande Chapter Director. 24 And although I know that the previous 25 speaker was speaking specifically about storage, in</p>
<p style="text-align: right;">Page 31</p> <p>1 number that you pick for an existing well would be 2 problematic for us because we'd have to go out there and 3 do all that reporting. 4 Finally, the last thing that I would -- 5 MR. SPISAK: Before you do the last 6 thing -- 7 MS. FOSTER: Sure. 8 MR. SPISAK: -- I would then gather from 9 what you're saying is even if we came up with a better 10 way, there's more value in being consistent with EPA 11 than going with some other way of doing it? 12 MS. FOSTER: Yes, yes. 13 MR. SPISAK: Good. 14 Final point? 15 MS. FOSTER: I think my operators would 16 agree with that statement. 17 Finally, the last thing that I would say is 18 that throwing in the safety-related threshold question 19 at the very end there opens up a whole new other can of 20 worms and studies and issues that really would need to 21 be addressed appropriately in order to give you a decent 22 threshold number. So that's kind of another big huge 23 issue that right now is something that's just very large 24 compared to what it is that you're trying to do. 25 So I do understand that you do have some</p>	<p style="text-align: right;">Page 33</p> <p>1 general, we're wondering, does the BLM have a plan for 2 coordinating their efforts to curb methane emissions 3 with those EPA and DOE in general, just for 4 consistency's sake? And on that same line, is there a 5 timeline for finalizing the hydraulic fracturing rule, 6 and how would that influence the timeline on the methane 7 rule? 8 I recognize that that's beyond the scope of 9 storage vessel and tank emissions, but it seemed like a 10 good launch-off point. 11 MR. SPISAK: Hydraulic fracturing is our 12 number one priority now. We're working on that to 13 completion. This is the next one that we're spending a 14 considerable amount of time on, we're working through. 15 We don't have any hard deadlines on it. Certainly to 16 some degree, some announcement at a higher level, this 17 kind of dovetails it. 18 As far as working with EPA and DOE and all 19 that, I mean, we're not doing this in a vacuum. It is 20 working with those other agencies. And what they're 21 doing I kind of mentioned earlier about trying to 22 dovetail in with the other regulatory efforts. We 23 absolutely do not want to pile on with any -- as much as 24 possible, take some of the lessons learned with the 25 hydraulic fracturing effort, is where we're going with</p>

<p style="text-align: right;">Page 34</p> <p>1 discussion of some of these MOU's with states, and kind 2 of trueing up what regulations they might have and what 3 regulation we might put out and try to normalize them 4 within, you know, the administrative boundaries of the 5 state, and come up with one consistent set of rules and 6 not have different ones that you all are having to deal 7 with. I mean, that's part of our objectives and goals 8 going forward as we promulgate whether it will be 9 hydraulic fracturing, the venting and flaring, or 10 onshores. 11 I'm not sure if that caught everything 12 there, but there will be a time at the end for general 13 questions, too. Any other questions on storage tank 14 vessels? 15 MR. GIRAND: Yes, if I may? 16 MR. SPISAK: Sure. 17 MR. GIRAND: Dan Girand with Mack Energy. 18 What do you visualize the combustion of gas 19 vapors? 20 MR. SPISAK: Say again. 21 MR. GIRAND: What do you mean by combustion 22 of the gas vapors? 23 MR. SPISAK: Well, I understand flaring and 24 combusting is not necessarily the same thing. The 25 combusting is to an efficiency level of -- and don't</p>	<p style="text-align: right;">Page 36</p> <p>1 and not royalty-bearing. 2 Potential options -- again, we have a 3 little bit of an overlap here with EPA, new devices or 4 replacement devices. EPA is requiring that those 5 devices between the wellhead and processing plant must 6 be low-bleed. New pneumatics at the processing plant 7 must be zero-bleed. I think they do have some 8 exceptions with equipment that need -- you know, 9 fast-acting or need a higher rate, there are some 10 exceptions built into the NSPS rules. 11 What we might potentially consider is those 12 existing devices where, for instance, you know, you 13 could use an equation, for instance, where if you put in 14 a new piece of equipment and it was able to reduce the 15 bleed from the existing piece of equipment to the new 16 piece of equipment, considering the cost to -- of that 17 valve or controller, and the insulation cost, a price 18 for natural gas and how long might that pay out. 19 You know, if it takes 30 years to pay out, 20 obviously, you, you know, replace it. If it's twelve 21 months, you know, maybe it should be replaced. You 22 know, we could come up with a formula that does that. 23 Maybe, upon further analysis, we might see a break point 24 that if you're able to reduce a replacement of new 25 equipment by going from maybe like 15 cubic feet per</p>
<p style="text-align: right;">Page 35</p> <p>1 quote me exactly the numbers; I know we've got it 2 there -- but of like 95 percent of the methane in the 3 gas or better. And so it's a combustion efficiency 4 standard. Does that make sense? 5 MR. GIRAND: Well, the capturing and 6 combustion of the vapors, if we combust them, you lose 7 royalty off of that. 8 MR. SPISAK: If you could capture the gas 9 and sell it, of course that's the preference. If you 10 can't capture it because it's maybe not enough to 11 justify or there's not a pipeline infrastructure there 12 or whatever, then we want you to at least flare it or 13 combust it instead of just venting it. Does that help? 14 MR. GIRAND: Yes. 15 MR. SPISAK: Any other questions, comments? 16 Moving right along. Pneumatic devices, 17 these are all sorts of the equipment on a lease that use 18 pressurized natural gas to operate. Generally, if 19 there's electric power nearby, you wouldn't be using 20 pneumatic devices, you'd be using electric; or if it's a 21 (inaudible), you might have instrument error or 22 something like that. But generally, on lease, these 23 types of devices are powered by -- off the natural gas 24 off the well. Our current billing policy is gas used to 25 power pneumatic devices is considered -- used on a lease</p>	<p style="text-align: right;">Page 37</p> <p>1 hour -- yeah, cubic feet per hour to get some kind of 2 reduction, it might, in a large majority of cases, be 3 cost-effective to do that. 4 So, you know, those types of thought 5 processes about looking at existing equipment, maybe 6 it's a range, those that have bleed rates above a 7 certain amount be looked at, you know, within a year. 8 I'm just talking off the top of my head now. Maybe if 9 it's below a certain threshold, you have two years to 10 look at or something like that, because we started 11 looking at some of the calculations, and, depending on 12 the cost of some of these things, they could pay out 13 pretty rapidly. 14 How might this be administered? I've just 15 thrown out some ideas off the top of my head how we 16 might do that. But that's something we'd like to hear 17 some thoughts and ideas about what might make sense for 18 existing devices, recognizing that new replacement 19 devices are already covered by EPA. 20 Questions, comment, clarifications? 21 MS. FOSTER: Karin Foster on behalf of the 22 Independent Petroleum Association. 23 Doing the economics for every single valve 24 and (inaudible) pneumatic -- or pneumatic on a location 25 was -- it can be very time-consuming for operators. You</p>

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<p>1 say that you need to roll in the price of natural gas, 2 but each operator gets different recovery for their gas; 3 they get different amounts for their gas depending on 4 their location and their relationship with their 5 marketers. So doing a set price of natural gas is 6 probably going to end up either too high or too low for 7 a lot of operators, and doing the formula is going to be 8 problematic.</p> <p>9 What this really comes back down to is what 10 I said earlier, which is that each operator, whether 11 independent or major, is going to do economics on every 12 single well to decide if they want to keep that well up 13 and running and what the regulatory cost of running that 14 well is. And they have their own independent 15 evaluations for price of natural gas and price of -- the 16 cost of replacing the devices and all that.</p> <p>17 So again, going into economics is going to 18 be very difficult. And again, Subpart Quad O does have 19 a provision on pneumatic devices. We would again 20 suggest that you let Subpart Quad O play out and see how 21 much that does reduce emissions before you pile on.</p> <p>22 Thank you.</p> <p>23 MR. SPISAK: Any questions, comments?</p> <p>24 Thank you.</p> <p>25 Okay. Last major one, leak detection and</p>	<p>1 quantifying how much gas is coming from those types of 2 things.</p> <p>3 Will technology bail us out on this, 4 whether it be some kind of flow meter that will be able 5 to put those two things together? I mean, that remains 6 to be seen. But until that time, what might we do in 7 the leak detection area along the lines of leak 8 detection?</p> <p>9 Questions, comments, clarifications?</p> <p>10 You should have sat at the end there.</p> <p>11 MS. FOSTER: I know. This is the last 12 issue, I think.</p> <p>13 This is actually really a question really 14 for our edification, and that is what if you have an 15 emission that comes out of a pressure relief valve or a 16 (inaudible)? Is that considered a leak, because those 17 things are really there for safety reasons, and if you 18 don't have them, then where do those excess emissions 19 come from?</p> <p>20 MR. SPISAK: That's not considered a leak, 21 that's an operational deal.</p> <p>22 MS. FOSTER: Okay. So that's considered 23 operational, that's not considered a leak?</p> <p>24 MR. SPISAK: If you have a pressure relief 25 valve and it operates, it does its job. That's not a</p>
Page 39	Page 41
<p>1 repair, it's defined as programs to identify and reduce 2 those leaks from loss from lease operations. Right now, 3 BLM doesn't have any leak detection or monitoring 4 standard. These might be something that might be like 5 on a routine basis or some kind of scheduling, some 6 other fashion, whether it be throughput of a facility or 7 the size of a facility. I started to get into the 8 potential options there a little bit.</p> <p>9 It could be based on a periodic inspection 10 of facilities. If you do it annually everywhere, do you 11 do it annually for locations above X number of cubic 12 feet a month? I mean, you know, different thresholds, 13 we go about -- I know Colorado has thrown out some ideas 14 in that area.</p> <p>15 What thresholds might be useful to do that?</p> <p>16 There's been a recent report that said 97 percent of all 17 leaks are economic to repair. I mean, that's something 18 that came out fairly recently. You can certainly go out 19 and turn a valve, tighten it up, take a wrench and 20 tighten a packing and fix it, you know, obviously, if 21 you do that sort of thing.</p> <p>22 Where there are tools coming out there, I'm 23 sure you all are familiar with the infrared cameras that 24 are out there. And they're I think a very big -- excel 25 in identifying leaks. But what they don't excel at is</p>	<p>1 leak.</p> <p>2 MS. FOSTER: Okay. And then you mentioned 3 the Colorado rule, which is -- actually now has been 4 implemented. I think it came into effect on April 14th.</p> <p>5 MR. SPISAK: Right.</p> <p>6 MS. FOSTER: And so again, we would ask to 7 see how that's going to be implemented in terms of 8 enforcement actions, how that regulatory agency is going 9 to work with that rule, and then we can use what we 10 learn from the implementation of that rule to do this 11 one.</p> <p>12 MR. SPISAK: And that's why we're looking 13 at what different states are doing and trying to not 14 have to start from scratch ourselves, use lessons 15 learned.</p> <p>16 MS. FOSTER: Thank you.</p> <p>17 MR. SPISAK: Yes, sir?</p> <p>18 MR. SMITH: Hi. Darren Smith again with 19 Devon Energy. I think I called you Tom earlier.</p> <p>20 MR. SPISAK: I've been called worse; don't 21 worry.</p> <p>22 MR. SMITH: I've got a comment and then 23 maybe a question. And the question I have doesn't 24 really fit in this spot around storage tanks, but I'll 25 ask it anyway while I'm up here.</p>

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<p style="text-align: right;">Page 42</p> <p>1 But my first comment would be -- and a 2 suggestion for you is -- you know, you mentioned a 3 couple times that it's your intent to harmonize with 4 what's going on with the EPA. But what I would 5 encourage you to do is, if you haven't already, review 6 the Quad O docket and preamble to the Quad O Rule, 7 because I think a lot of the things that you're talking 8 about, EPA has already addressed. So I would encourage 9 you to study that because I think it would save you a 10 lot of time trying to maybe ask industry to tell you 11 again some of the history around some of the things that 12 you may be proposing in this, so that would benefit us, 13 too.</p> <p>14 The second question I have is more around 15 jurisdiction. And again, there's a fuzzy line between I 16 think what BLM is proposing here and what EPA we believe 17 has authority over. So I guess my question to you is, 18 do you really see BLM's role in kind of establishing 19 what is avoidable and what's unavoidable gas loss and 20 then imposing royalty, you know, requirements on that, 21 or do you really see -- and do you see EPA's role in 22 managing air quality and kind of technology 23 requirements, that sort of thing? Because there's 24 comments in here that perhaps you're suggesting that 25 maybe BLM's role would be to establish things like</p>	<p style="text-align: right;">Page 44</p> <p>1 process as we go forward into an eventual proposed rule 2 for formal comment by folks such as yourself.</p> <p>3 MS. LANCE: Yeah, if I can just say, on us 4 looking at what EPA has already done, I can assure you 5 that we will do that. And if that saves the industry 6 time to know that, then let me give you that assurance. 7 What we want to do, though, is be as open 8 as possible to ideas that evolve over time or 9 technologies that emerge or problems that emerge. So we 10 clearly wouldn't want to just move forward by saying, 11 "EPA already did all the work, so we don't need to 12 gather any additional information." 13 So that's really what we're trying to do 14 here, is be as open as possible to anything that you all 15 may want to add or things that, (inaudible) comments, 16 etcetera.</p> <p>17 MS. FOSTER: Tim, can I ask a question on 18 that?</p> <p>19 MR. SPISAK: Yes. 20 MS. FOSTER: It's me again. 21 To this young lady's comments concerning 22 EPA, April 15, EPA released five white papers on methane 23 reductions. 24 MR. SPISAK: I mentioned those earlier. 25 MS. FOSTER: Okay. And I caused myself a</p>
<p style="text-align: right;">Page 43</p> <p>1 construction efficiencies for some of these technical 2 things that it's really our perspective that that's 3 really kind of in the Clean Air Act realm, not BLM. So 4 I just wonder if you could explain to the audience here 5 where you feel your jurisdiction is around regulating 6 air quality. I think that would be helpful, too.</p> <p>7 Thank you.</p> <p>8 MR. SPISAK: Well, I think that's -- that 9 is a part of the discussion that we have going forward. 10 BLM has signed an NMOU with EPA on air emissions and 11 studies and that sort of thing in the last several 12 years. So -- and then our authorities I think clearly 13 fall under the royalty and waste, the conservation 14 piece, that it's hard to separate some of the two. Some 15 of the things that you could do for conservation of 16 resource also have a benefit to, you know, air quality.</p> <p>17 So it's hard to divide a fine line, say, 18 "Well, if it has anything to do with air quality, then 19 we can't touch it." So it's part of this discussion, 20 part of what we go through in talking with our legal 21 folks and have that type of conversation internally. 22 Certainly they thought some ideas that are going to come 23 from you all on both sides -- well, many sides; it's 24 probably more than just two sides that we're going to 25 get, that we're going to consider and put through the</p>	<p style="text-align: right;">Page 45</p> <p>1 little bit of brain damage trying to read through those 2 things. And obviously, they're still in -- they're not 3 even peer-reviewed. They're going through the peer 4 review process right now.</p> <p>5 And my conversations with the EPA are that, 6 you know, it's kind of a work in progress for -- okay, 7 so I don't think you are working with them, and I 8 understand that you believe that your jurisdiction is 9 different than the EPA's when it comes to the Air 10 Quality Act, but since you are both talking about 11 pneumatics and leaks and offloading and all that stuff, 12 then I hope that you look not only at their 13 peer-reviewed study but also the spin.</p> <p>14 One of the comments I'm going to be making 15 to the EPA concerning those white papers is that I don't 16 especially like some of the studies that they've relied 17 upon and some of the modeling that they've done. I 18 think that they have based some of their recent study 19 conclusions on some faulty modeling. For example, they 20 rely a lot on a 1996 study that does not even address 21 reduced production compressors, so they can't even 22 really give us any true information on reciprocating 23 versus the other -- the compressors.</p> <p>24 So if you're going to be relying on that 25 working with EPA, just be aware that there are concerns</p>

<p style="text-align: right;">Page 46</p> <p>1 from industry.</p> <p>2 MS. LANCE: Sure. And, I mean, what I'm</p> <p>3 trying to convey is we want to be as open as possible to</p> <p>4 considering everything that's already been done so that</p> <p>5 we're not starting over, but at the same time, getting</p> <p>6 new input on any of that work for anything else that you</p> <p>7 want to authorize. So that's why we're starting here</p> <p>8 rather than doing a proposed rule and kind of handing it</p> <p>9 to you and saying, "What do you think?"</p> <p>10 So I encourage you to do that, and it would</p> <p>11 be wonderful if whenever you comment on what other</p> <p>12 agencies or states have done, send it, yeah, because</p> <p>13 we're in good touch with I think all the states that are</p> <p>14 working in this area. We've had really good discussions</p> <p>15 with them, and the same with these people. But, you</p> <p>16 know, it would be very helpful, just so we don't miss</p> <p>17 something when you guys send anything to those guys on</p> <p>18 these issues.</p> <p>19 MS. FOSTER: Okay. Great. And reciprocal</p> <p>20 was the word I was looking for.</p> <p>21 MR. SPISAK: Reciprocal.</p> <p>22 MS. FOSTER: And reciprocating.</p> <p>23 MS. AMSTUTZ: My name is Anita Amstutz and</p> <p>24 I'm speaking on behalf of New Mexico Interfaith Power</p> <p>25 and Light. Perhaps I'm going to bring a different slant</p>	<p style="text-align: right;">Page 48</p> <p>1 plants.</p> <p>2 There was an independent peer-reviewed</p> <p>3 study that was done on Garfield County, which is up in</p> <p>4 Colorado, which is why they might be moving towards</p> <p>5 stricter controls up there. It was done over three</p> <p>6 years. And in Garfield County, there's a close</p> <p>7 approximation between the oil -- the path that they're</p> <p>8 doing for hydraulic fracturing now and people's homes.</p> <p>9 This exploratory study was designed to</p> <p>10 assess air quality in this rural Western Colorado area.</p> <p>11 And what they found in a sampling after a year ago is</p> <p>12 that the number of nonmethane hydrocarbons were highest</p> <p>13 during the initial drilling phase and did not increase</p> <p>14 but stayed the same during the ongoing fracturing</p> <p>15 process.</p> <p>16 Methylene chloride is a toxic solvent not</p> <p>17 reported in products used in drilling or hydraulic</p> <p>18 fracturing. So this also has -- they show that it</p> <p>19 has -- 73 percent of the time, methylene chloride is</p> <p>20 there, and several times in higher concentrations.</p> <p>21 And what they're showing is that the VOC's</p> <p>22 that are borne out into our air actually cause, for</p> <p>23 prenatal children in urban studies, lower development</p> <p>24 and IQ scores, but even lower development in those rural</p> <p>25 areas where they were exposed to these kinds of high</p>
<p style="text-align: right;">Page 47</p> <p>1 to the conversation. I represent faith communities, not</p> <p>2 only 40 states across the country but also 89 churches,</p> <p>3 at least, in this state that are working with climate</p> <p>4 change issues.</p> <p>5 So I realize it's inconvenient for the</p> <p>6 petroleum industry to look at any kinds of things that</p> <p>7 would limit, you know, offgasing and venting and</p> <p>8 flaring. I appreciate that you have a time for us to</p> <p>9 speak to this, so I'm really speaking to the citizens,</p> <p>10 and I feel it's an underrepresented voice in this room,</p> <p>11 and perhaps in these kinds of boardrooms around the</p> <p>12 country.</p> <p>13 So I'm here because of the loss of methane,</p> <p>14 as you've been talking about, and the high VOC's that</p> <p>15 are going into our atmosphere. And, you know, despite</p> <p>16 the economic inconvenience of putting regulation on</p> <p>17 those, I think it's going to be more economically</p> <p>18 inconvenient when we look at the desecration of our</p> <p>19 water, air and soil to the citizenry over time.</p> <p>20 The most recent U.S. greenhouse gas</p> <p>21 inventory shows that the oil and gas industry leaked,</p> <p>22 vented or flared approximately 8.4 million metric tons</p> <p>23 of methane in 2011, and that's provided by the</p> <p>24 Intergovernmental Panel on Climate Change. That's equal</p> <p>25 to the amount of emissions from 204 coal-fired power</p>	<p style="text-align: right;">Page 49</p> <p>1 emissions.</p> <p>2 I want to just say that, in bringing,</p> <p>3 again, a different twist to this, some of you might know</p> <p>4 Wendell Berry, who's a Kentucky farmer; he's also a poet</p> <p>5 and environmental ethicist. And what he talks about is</p> <p>6 boomers and stickers. Boomers are motivated by greed,</p> <p>7 the desire for money, property, and therefore power.</p> <p>8 Boomers go and pillage in absentia. They're sent to</p> <p>9 wherever the getting is good, get as much as they can</p> <p>10 take and leave.</p> <p>11 Stickers, on the other hand, are motivated</p> <p>12 by affection, by love for the place they live and the</p> <p>13 life that they want to preserve. And I'm asking us to</p> <p>14 think about preservation of seven generations hence,</p> <p>15 when we have sent that much of our carbon emissions into</p> <p>16 the air and destroyed it.</p> <p>17 He said his grandfather shared in the</p> <p>18 virtues and faults of his generation. He was a sticker.</p> <p>19 And I would ask that those of us that live in the West</p> <p>20 think of ourselves as stickers, that we want to preserve</p> <p>21 and care for the land as if we're going to live here and</p> <p>22 our generations going forward are going to have to live</p> <p>23 here with whatever water, air and soil that we leave for</p> <p>24 them.</p> <p>25 So I ask for us to think about that as we</p>

<p style="text-align: right;">Page 50</p> <p>1 consider any kind of regulations. They should be in 2 line with what EPA standards are, and I ask that we 3 think about what that means, even if it's inconvenient 4 for the petroleum industry, because the citizens of this 5 country and the citizens of this state want clean air 6 and water and soil. 7 And maybe this shows my ignorance, but I 8 wonder why in the first place we allow oil and gas 9 drilling on public land. It seems to be a breach of 10 public tax dollars as well as public health and trust. 11 So I'm wondering -- if we're going to allow this, we 12 should uphold the highest standards. 13 MR. SPISAK: Thank you. 14 Yes, ma'am? 15 MS. PAYNE: Good afternoon. My name is 16 Cherry Payne. I represent an organization called Park 17 Rangers for Our Lands. I've retired from the National 18 Park Service after 35 years, and those of you who are 19 still in the federal trenches, I thank you, and 20 retirement is great. 21 MS. LANCE: Don't say that to any of these 22 guys. 23 MS. PAYNE: I do want to talk about 24 resources protected by the American people and the 25 federal government, the National Park Service that's not</p>	<p style="text-align: right;">Page 52</p> <p>1 where Teddy Roosevelt National Historical Park is 2 located, that park protects the ranch that Teddy 3 Roosevelt built for himself out there before he became 4 president, and that those experiences in North Dakota 5 really formulated his environmental ethic that led to a 6 lot of the things that he did as president such as 7 establishing Grand Canyon as a national monument. 8 Today the night sky in Teddy Roosevelt 9 National Park has been lost because of the flaring 10 activities, and those activities are so bright that they 11 can be seen from the International Space Station. 12 So I encourage you to think about those 13 kinds of resources that are valuable not only to people 14 but environmentally, to wildlife migration, reproduction 15 and hunting strategies. There are all sorts of values 16 that go with night sky, something a lot of us have kind 17 of lost touch with. 18 However, to end it all, I would like to say 19 that Park Rangers for Our Lands is appreciative of all 20 the work that you are doing to address this issue, and 21 we're willing to support you in any way we can so that 22 we can preserve night skies throughout the United 23 States. 24 Thank you. 25 MR. SPISAK: Thank you.</p>
<p style="text-align: right;">Page 51</p> <p>1 been mentioned in the forum so far. And I find it 2 appropriate you're holding meetings both here in New 3 Mexico and in North Dakota. And there are two parks -- 4 two National Parks that I think are object lessons to 5 the issues -- some of the issues that you're addressing 6 here today and then this effort. 7 The first is Chaco Cultural National 8 Historical Park, located not far from here. It's been 9 protected for over 100 years by the American people 10 because of the incredible cultural resources that are 11 found there. However, within the last year, another 12 resource for that park has been recognized as a natural 13 resource, and that's the night sky. Just in the last 14 August, I believe it was, the International Dark Sky 15 Association named Chaco as one of -- as an International 16 Dark Sky Park, one of only four so named in the United 17 States and 14 in the world. 18 The ability to see the night sky is a lost 19 resource all over this country, and we're losing it in 20 the West. But if you or I or any of us or your family 21 members went to Chaco today, you could enjoy the night 22 sky and see the Milky Way and the majesty of the night 23 sky much as the people who built and lived in Chaco did 24 1,000 years ago. 25 Conversely, if you go to North Dakota,</p>	<p style="text-align: right;">Page 53</p> <p>1 MR. VENEKLASEN: Hi, my name is Garrett 2 VeneKlasen. I'm the executive director of the New 3 Mexican Wildlife Federation. We're one of the oldest 4 conservation organizations in the nation. We were 5 started by Aldo Leopold 100 years ago this year. 6 Our membership is made up of hunters and 7 anglers, and the hunting and angling industry in New 8 Mexico generates about 600 million dollars a year, and 9 it really helps to diversify rural economies. And one 10 of our concerns is we're in a twelve-year drought, and 11 especially our big game herds are in trouble, especially 12 our mule deer herds. Some of our best mule deer herds 13 are up in the Four Corners area. 14 In 2010, the Government Accountability 15 Office found that the public loses up to 23 million 16 dollars annually in royalties from venting and flaring. 17 We'd like to see a portion of that money go to world 18 habitat restoration and mitigation. And a perfect 19 example of this, the San Juan River generates 40 million 20 dollars a year just in angling revenue, but it is 21 chronically impacted by sediment runoff from the -- all 22 the fragmented country up there. 23 And so we see this as a real opportunity to 24 take a portion of that lost revenue and put it back onto 25 the land and give it to not only the fish and game herds</p>

<p style="text-align: right;">Page 54</p> <p>1 that we're most concerned about, but to the nongame 2 species that inhabit the area. It's a sustainable 3 resource that we think can move New Mexico forward far 4 into the future. So we'd like you all to consider that. 5 Thank you very much. 6 MR. SPISAK: Thank you. 7 MR. TRUJILLO: My name is Max Trujillo. 8 I'm with HECHO, Hispanics Enjoying Camping, Hunting and 9 the Outdoors, and I echo Garrett's sentiments. 10 And I understand the frustration from the 11 petroleum industry, and I, too, am asking that BLM not 12 compromise the tools that you have in place to oversee 13 and regulate this industry. It seems that we're 14 always -- you know, just a common citizen, we're always 15 bending to the oil and gas industry. 16 I would ask, you know, New Mexico -- 17 there's two things in New Mexico that we're rich in, is 18 culture and public land. I would ask that that, too, be 19 considered moving forward in this plan revision. 20 And when it -- you know, when it comes to 21 oil and gas, I completely understand that the country is 22 in a mandate to produce more. But the BLM, the 23 Department of the Interior also, have some very 24 excellent tools in your bag to regulate and to protect 25 what's left of the habitat, of our clean water, and I</p>	<p style="text-align: right;">Page 56</p> <p>1 just -- again, I've heard it said several times -- 2 encourage you to look at the EPA Quad O, which I hear 3 you are, because I'm already doing that. 4 I'd encourage you to consider the Colorado 5 rules, what they're doing with their quality rules, 6 Colorado Department of Public Health and Environment. 7 You know, again, they do take on a lot of the EPA stuff 8 for the State of Colorado. 9 So I'd just encourage you to continue to 10 work with these other federal agencies as well, more 11 importantly, really, the state agencies, and avoid any 12 duplication if at all possible in terms of reporting 13 requirements. That may or may not come. 14 I'd also just like to -- you know, again, 15 as an industry, we're very mindful of waste, obviously. 16 I mean, we, at all costs, try to get it into the line as 17 soon as possible. So, I mean, our interest is in tying 18 into the gas line prior to completion if at all 19 possible. That's not always possible. 20 But I'd encourage you to continue to reach 21 out to the pipeline and the midstream companies because, 22 as the hydraulic fracturing technology improves, less 23 and less water is being used, but other gases are being 24 used, and there's occasions where pipelines will not let 25 you into the gas line until, for example, you've vented</p>
<p style="text-align: right;">Page 55</p> <p>1 would encourage you not to compromise those tools and to 2 enforce them to the strongest degree. 3 Thank you. 4 MR. SPISAK: While he's coming up, I'll 5 just mention real quick -- I mentioned we've got 6 comments for session until May 30th. There's the e-mail 7 address up on the web -- up on the screen there. It's 8 on your PowerPoint also. And the date is Friday, next 9 week. 10 And for further information, on the 11 website, there's a public events on oil and gas on the 12 Energy and the Oil and Gas tabs under the BLM page that 13 has information about these sessions, includes the 14 agendas. It will be the PowerPoints, the transcripts 15 from the public sessions, and links to the videos from 16 the Denver meeting and the Washington meeting. So for a 17 resource, go and look. 18 MR. LOPEZ: Chris Lopez with DJ Simmons, 19 Incorporated, an independent oil company in the Four 20 Corners region. 21 I just want to echo a lot of what I've been 22 hearing folks saying in terms of regulatory duplication. 23 As a small independent operator and as a regulatory 24 specialist for that operator, I fill out a lot of pieces 25 of paper, and for -- we work in multiple states. So I'd</p>	<p style="text-align: right;">Page 57</p> <p>1 or flared a certain quantity of nitrogen or other things 2 of that example. 3 So I would encourage you to also make sure 4 you've got midstream operators in this conversation as 5 well. 6 MR. SPISAK: Yes, sir? 7 MR. ABE: Hi. My name is George Abbe, 8 spelled A-B-E, and I want to thank BLM for sponsoring 9 this public dialogue. I'm also a tribal member of the 10 three affiliated tribes of North Dakota, and I'm also a 11 mineral owner, but I've, you know, been down here for a 12 long time, and I heard about this meeting. 13 MR. SPISAK: Will we see you up there next 14 week or Friday? 15 MR. ABE: You're going to see some of my 16 relatives for sure. 17 But some of the concerns that our tribe has 18 been facing -- and I hear about it on a daily basis, you 19 know -- they're concerned about the amount of flaring 20 that's going on. On our reservation, we have about 21 1,100-plus wells, Bakken wells, and about 40 to 50 22 percent of them are being flaring right now, which is in 23 fact higher than some of the production that's going on 24 off reservation. And so I feel that there's a 25 tremendous economic loss from that flaring.</p>

<p style="text-align: right;">Page 58</p> <p>1 And I also wanted to say that BLM should 2 probably have to take a look at the extensions that are 3 being granted companies to continue such. But we 4 anticipate 2,000 to 4,000 additional wells on the 5 reservation, according to the North Dakota Industrial 6 Commission, and so I think perhaps going forward, we 7 could take a look at doing a better job to capture those 8 gases.</p> <p>9 And that's all I have to say. 10 MR. SPISAK: Thank you. 11 Yes, sir? 12 MR. CURTIS: Hi there, my name is Alex 13 Curtis. I'm the research director for ProgressNow New 14 Mexico. We are a progressive advocacy organization 15 here. We represent over 100,000 subscribers in New 16 Mexico.</p> <p>17 And I just wanted to come up and first 18 thank the BLM for holding this forum. I think this is a 19 very productive forum, and I think we're having a 20 productive discussion. Obviously, we represent a more 21 progressive viewpoint on some of these things, but I 22 think that what's becoming clear is that we're all here 23 more concerned about efficiency in these processes, so I 24 just wanted to just repeat some of the things that have 25 been said before just about that and sort of emphasize</p>	<p style="text-align: right;">Page 60</p> <p>1 change.</p> <p>2 And one of the things that I think the BLM 3 can do is look at strong national methane waste 4 standards for our public lands. The Government 5 Accountability Office concluded in 2010 that poor, 6 outdated BLM policies facilitate the tremendous waste of 7 natural gas.</p> <p>8 The GAO also estimated that BLM could 9 economically eliminate up to 40 percent of the natural 10 gas currently wasted from drilling and other oil and gas 11 operations on BLM-managed land. More recent studies 12 suggest that reductions in the neighborhood of 80 13 percent or even higher are feasible.</p> <p>14 I think we have to look at the totality of 15 the effect of what we're doing to our atmosphere. And I 16 believe that it truly is an economic issue, but it's a 17 holistic economic issue. We must see the cost in its 18 totality, not just the cost to bring these extractive 19 industries up, but also who's making money, what's the 20 profit, but what's also the cost on the other side in 21 public health and in our very life on this planet.</p> <p>22 So I would suggest that -- I would 23 encourage BLM to review the group Amigos Bravos that 24 presented their report on January 27th, 2014 -- it was 25 directed to the Honorable Sally Jewell -- telling them</p>
<p style="text-align: right;">Page 59</p> <p>1 that our subscribers and the people that we speak to are 2 very concerned with these efficiency -- with having 3 efficiency in these processes, and especially New 4 Mexicans are particularly concerned here because of the 5 (inaudible) that obviously, royalties are used in New 6 Mexico in terms of public funding of education and other 7 services.</p> <p>8 So I just wanted to say that the work here, 9 we're very thankful for this opportunity and that we 10 will be encouraging our subscribers to participate in 11 the comment period now until the end of the month.</p> <p>12 Thank you. 13 MR. SPISAK: Very good. Thank you. 14 Yes, ma'am? 15 MS. PERROTTE: Good afternoon. I am 16 Marlene Perrotte, and I'm a Sister of Mercy, and I'm 17 speaking on behalf of the Partnership for Earth 18 Spirituality.</p> <p>19 Yesterday, the White House released the 20 report on climate change assessment. And in there, it 21 spoke about the human-induced issues with respect to 22 gases, and spoke especially about methane. And I think 23 today's hearings and those that are going to follow this 24 really address what the report said. It said that we do 25 still have a chance to mitigate the worst of climate</p>	<p style="text-align: right;">Page 61</p> <p>1 what kinds of possibilities we could do.</p> <p>2 So I'm really hoping that BLM will really 3 begin to integrate the -- a group that can integrate all 4 the agencies, all the regulations, etcetera, and that we 5 have a comprehensive policy that's going to help us 6 mitigate the effects of climate change and the 7 temperature rise that methane is giving us.</p> <p>8 So I thank you for this opportunity, and I 9 encourage you to continue to get a comprehensive policy. 10 Thank you.</p> <p>11 MR. SPISAK: Thank you. 12 Yes, sir? 13 MR. EISENFELD: My name is Mike Eisenfeld. 14 I'm with San Juan Citizens Alliance from Farmington. 15 Can you go back to the last slide, please.</p> <p>16 On the venting and flaring public outreach, 17 the leak detection and repair, as a result of the 2010 18 settlement with BLM, Farmington has infrared cameras, 19 and they sort of know what BLM's responsibility is on 20 inspection of the facilities. And you all can answer 21 that later.</p> <p>22 The other point I'd like to sort of in 23 answer to is that there's an immense amount of flaring 24 going on in the Lybrook and Counselor areas. What's the 25 interim policy going to be while we're waiting for BLM</p>

<p style="text-align: right;">Page 62</p> <p>1 to formulate policies and rulemaking? 2 And third, we have until May 30th on 3 comments. That's a couple weeks away, a few weeks away. 4 What assurances do we have on BLM's deadline? When will 5 BLM have this ready to go and implemented? 6 MR. SPISAK: I'll check the last one first. 7 We don't have a set time frame when you come out with a 8 proposed rule, but it is the next priority after the 9 hydraulic fracturing rule that we've been working on. 10 So I cannot commit to a particular time for that, but 11 that is the next thing -- we're working on now, but 12 we'll move it up in the priority. 13 The second item, on those particular 14 locations, I'm not familiar with. It sounds like it was 15 more Farmington-specific. I don't know if somebody from 16 Farmington here wants to speak to that, about their use 17 of the infrared cameras or not. 18 I know that they did a pilot effort of 19 looking at the usability or the effectiveness of the 20 infrared cameras. And that's where we got a lot of the 21 feedback about they're good at identifying leaks but not 22 necessarily quantifying whether one leak was bigger than 23 the other, where you could focus a time to fix the leaks 24 or not. That's one of the things I mentioned earlier 25 about limitations to the infrared technology.</p>	<p style="text-align: right;">Page 64</p> <p>1 emissions are harming our air quality, principally by 2 the constituents of natural gas is a potent greenhouse 3 gas, more than 80 times as potent as carbon dioxide over 4 a 20-year time horizon. 5 Oil and gas production and processing 6 accounts for nearly 40 percent of methane emissions in 7 the United States, making it the single largest methane 8 source in the nation. Any BLM rules must significantly 9 curb dangerous air pollution from oil and gas operations 10 while reducing methane emissions that contribute to 11 climate change. 12 The industry has cost-effective 13 technologies to reduce and capture methane. Often these 14 appear to pay for themselves by conserving more of our 15 resource gas companies sell. 16 And in closing, I would just like to 17 encourage those to get the Sierra Club's recent climate 18 disruption report -- and it features one of sites here 19 in the (inaudible) part of the state called the Mancos 20 Shale/Gallup Formation -- and encourage you to read that 21 as well. 22 Thank you. 23 MR. SPISAK: Thank you. 24 MR. LOOSE: I'm Verne Loose. I'm also a 25 member of the Rio Grande Chapter of the Sierra Club.</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. EISENFELD: Yeah, the area that I am 2 talking about is in the Farmington field office, 3 Lybrook, Counselor. It's -- we're seeing an increased 4 amount of flaring very quickly, and we need an interim 5 policy. 6 MR. SPISAK: The current policy is the 7 NTL-4A requiring approval, correct. And that's what we 8 have so far. The timing on anything changing from that 9 and this new rule we'll take under advisement. 10 MR. EISENFELD: Thank you. 11 MR. SPISAK: Sure. 12 Yes, sir? 13 MR. TOHE: Hi, my name is Robert Tohe. I'm 14 with Sierra Club, and I wanted to make some comments on 15 the hearings. 16 If you remember, last June, President Obama 17 recognized methane as a critical threat to our climate 18 in his climate action plan. And he said, "Curbing 19 methane emissions is critical to our overall efforts to 20 address climate change. It is time for the BLM to lead 21 the way on taking action on this critical issue." 22 Given the rapid growth of oil and gas 23 (inaudible), this rulemaking is a critical opportunity 24 for much-needed commonsense protection in places to 25 preserve air quality and protect public health. Methane</p>	<p style="text-align: right;">Page 65</p> <p>1 And in your slide, there's lots of mention 2 about the economics analysis to be done. I presume that 3 that is an analysis of the economics of methane and 4 venting and flaring. 5 And I'd like to make a couple of comments. 6 I'd like to encourage the BLM to consider carefully the 7 geographic scope at which that analysis is done -- I 8 think that was mentioned before in the comments -- and 9 that the appropriateness of getting the geographic scope 10 really affects the economics dramatically. 11 And also, in that same vein, the 12 appropriate entity that is responsible for doing that 13 analysis should be carefully considered as well. It 14 seems to be that in most cases, it would be the 15 leaseholder; that's where the economic interest lies. 16 But that should be considered. 17 The second comment about the economics that 18 I'd like to make is reflecting the request of a couple 19 of speakers ago to make sure that the analysis -- the 20 economic analysis is comprehensive. And in order for it 21 to be comprehensive, the analysis would have to reflect 22 the cost to the environment of venting and flaring. You 23 will never reject that as an economic action if you 24 don't reflect the damage to the environment causing both 25 the deterioration of the air quality and visibility as</p>

17 (Pages 62 to 65)

<p style="text-align: right;">Page 66</p> <p>1 well as the long-term effects of climate change. 2 So that factor has to be incorporated into 3 the analysis in order to have the comprehensive view of 4 the economics of venting and flaring. 5 Thank you. 6 MR. SPISAK: Thank you. 7 Dan? 8 MR. GIRAND: Dan Girand. 9 I have lived in New Mexico all my life. I 10 grew up in the oilfield, been there for 76 years. It 11 put me through college. I came up to UNM, went to the 12 Air Force, came back. In spite of what some people 13 think, nothing wrong with me. 14 And I don't know anybody -- classmates from 15 all over the world, UNM, Hobbs High School; nobody has 16 been sick from the oilfield. Come on, that's 17 (inaudible). I've never heard of it before. 18 It's -- and if we didn't have petroleum 19 products, folks, you'd all be standing or sitting on the 20 floor. We wouldn't have any of this. Probably you 21 wouldn't have clothes on because there's plastic in the 22 clothes. Your house would be empty. Your car would be 23 a frame, and you'd sit in a metal chair. There's a 24 huge, huge market that is served by oil and gas and the 25 products from that.</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. SPISAK: Yes, sir? 2 MR. SINGER: Tom Singer with the Western 3 Environmental Law Center. 4 I've been thinking about your answer to the 5 question about the scope of the gas capture planning and 6 focusing on individual wells in a lease site, and I just 7 wondered if you could share some of BLM's thinking, some 8 of your thinking on the following questions. 9 And one is sort of the aggravation of 10 well-level production forecast and how much production 11 might be coming off of a field in (inaudible) or 12 whatever. And then these are related to Slide 18 and 13 19. 14 But again, you're thinking about the 15 gathering and processing infrastructure to determine 16 things that you mentioned in your potential course of 17 action slides. There was mention of authorizing flaring 18 with the operator's commitment to install gathering 19 infrastructure. And when you're talking about a, you 20 know, given well site or given operator, I just wonder 21 what that means. 22 You talked about the ability of BLM to 23 refine the definition of unavoidably lost gas. And 24 again, from that single well perspective, how does that 25 work?</p>
<p style="text-align: right;">Page 67</p> <p>1 What do we do? We've lived here in New 2 Mexico -- of course I know some people say there's 3 nothing in the southeast that's worth looking at anyway, 4 but we kind of like it. But it hasn't changed; it 5 hasn't been damaged. 6 I don't know; maybe you can't -- but, you 7 know, what do the independent oil and gas producers that 8 live here in New Mexico do? My employer sent every 9 single high school child to college and has for the last 10 six years, all of them, anybody that wants to. We have 11 a turf -- artificial turf on our football field in 12 Artesia. We donated buses to the football team. 13 And that's just one example of what the 14 people who live there do that negates the (inaudible) 15 problems. I invite you to come to Artesia and look 16 around and see what that town looks like and what the 17 oilfield did there. We didn't get our community -- we 18 didn't take from the state of New Mexico, the federal 19 government. 20 Yeah, we make a living. Some make a good 21 living, some of them just get along. But we're out 22 there producing something, and it's the producers in 23 this country and this world that created wealth and pay 24 the taxes and create an economy. 25 Thank you.</p>	<p style="text-align: right;">Page 69</p> <p>1 And then you talked about conditional 2 approval of APD's and infrastructure will be ready soon. 3 So how are you thinking of aggregating so that you can 4 answer some of those questions about when the gathering, 5 (inaudible) and processing infrastructure gets put in? 6 MR. SPISAK: Well, part of that is going to 7 be part of the response to the feedback that we get from 8 folks such as yourself, what states like Colorado and 9 Wyoming and others might be doing. And it's an 10 aggregate of those, at the same time 11 trying -- recognizing that it's difficult to come up 12 with a way that's going to work everywhere. 13 So there's got to be flexibility built into 14 a process that allows a certain amount of discretion 15 worked around general principles that may be articulated 16 in the regulation, but with clear goals and objectives 17 on what we're trying to build. Now, probably this 18 doesn't say a whole lot, and maybe that's by design. 19 But part of that is looking at this stuff and trying to 20 come together with something that will work and do what 21 we're trying to do. 22 MR. SINGER: All right. I appreciate your 23 answer, and I (inaudible). 24 MR. SPISAK: Yes? 25 MR. TORREZ: I'm Rod Torrez with HECHO,</p>

<p style="text-align: right;">Page 70</p> <p>1 Hispanics Enjoying Camping, Hunting and Outdoors. 2 I just want to say that it's true we 3 do -- we have all used petroleum products and we do use 4 petroleum products to heat our homes and all of that. 5 And I think one of the things that happens sometimes in 6 conversations like this is that we stop looking at 7 balance and we start looking at one side or the other. 8 And I think what HECHO stands for is 9 balance. We want to ensure that the places that are 10 important to Latino sportsmen, our communities, our 11 cultural -- traditional cultural users of the land, our 12 curanderas, our artists, still have access to places 13 that are free of pollution, that have clean water, 14 healthy herds and areas that still reflect the long 15 history of open lands and beautiful landscapes, healthy 16 landscapes. 17 And so when we move forward in making plans 18 for drilling and oil and gas development, we want to 19 ensure that all the communities have a voice in the 20 process and that, wherever it's possible, to use 21 commonsense means of protecting the land. Existing 22 technologies or newly-developed technologies that can 23 save waste, create healthier air and protect the people 24 who live around drilled areas, we should go for those 25 kinds of processes.</p>	<p style="text-align: right;">Page 72</p> <p>1 having sinkholes? Is this causing climate change? 2 You know, at one time, coal was a big 3 issue. I think there's some lobbying restrictions now 4 for coal. There probably is for gas and oil, maybe for 5 wind and solar. 6 The gas and oil is not a renewable source. 7 I would like to see something implemented to 8 supplement -- I realize we'll always have a need for the 9 gas and oil, but I'd like to see us use less of it and 10 try to replace it with something on the solar or the 11 wind area. 12 One of my big questions is what happens to 13 all those empty spots under the ground that we're 14 pumping all the oil and all the water out of? And I 15 think the fracturing and the whatever it's called, 16 they're loosening up a lot of those rocks that I 17 understood is holding it all up. That's a major concern 18 for me. 19 As you know, I'm not a geologist or 20 anything like that. So I understand that the methane 21 gas is very dangerous, but we've been having it for 22 years and years; I would like to see it be able to be 23 captured and put into something. 24 I came across a Western Renewable Energy 25 Study from 2011, I believe it is -- no, 2009, and they</p>
<p style="text-align: right;">Page 71</p> <p>1 As my colleague Max mentioned earlier, 2 everything that's available to us to use to recapture 3 the gas, to make sure that nothing that hasn't been 4 combusted is released into the air, if the technology is 5 there, we should use it, and we should look at ways to 6 enable the companies that are, you know, 7 developing -- development companies to use it. If the 8 smaller developers need help, then maybe there needs to 9 be some means in our government to find ways to help 10 them figure out how to have cleaner processes. 11 In the meantime, we want to ensure that 12 certain areas are set aside and kept free of development 13 so that we can continue to use them in the ways that 14 we've used them for centuries. 15 MR. SPISAK: Thank you. 16 Ma'am? 17 MS. McMAHAN: Hi, I'm Trina McMahan. I'm 18 just a person from the community; I'm not with any 19 organization. I hope this all works out well for 20 everyone. I can't help but believe that it will. 21 There's so many interested people. 22 I'm wondering, when are we going to run out 23 of the gas and the oil? That's one of my big concerns. 24 And I realize that there's implications of contaminating 25 the aquifer. Is this causing earthquakes? Are we</p>	<p style="text-align: right;">Page 73</p> <p>1 said that the state of New Mexico -- all over the state 2 of New Mexico, from the very northern, southern, eastern 3 and western borders, that our number one resource is the 4 solar and the wind, for the renewable capacity. I'd 5 love to see some of that implemented in with this study 6 to make sure that we have the gas and oil that we will 7 need. 8 Thank you. 9 MR. SPISAK: Thank you. And the answer to 10 your question is yes, no, no, yes, yes, and yes. I'm 11 kidding. Thank you, thank you. 12 Any other questions? 13 Sir? 14 MR. SCHLENKER-GOODRICH: Hi, Erik 15 Schlenker-Goodrich. I just wanted to note, I did not 16 anticipate hearing a quote from Wendell Perry today out 17 of Oil and Gas Venting and Flaring Forum. I very much 18 appreciate that quote. 19 Erik Schlenker-Goodrich again with Western 20 Environmental Law Center. 21 I want to emphasize some sympathy to 22 Mr. Girand's point about natural gas, that we all rely 23 on petroleum products. You know, I cook with natural 24 gas in my home. I think that's what's fascinating about 25 this issue and how it is very much low-hanging fruit.</p>

<p style="text-align: right;">Page 74</p> <p>1 No, what we're talking about is trying to 2 keep that thing from going into the atmosphere and 3 keeping it so that it can in fact be used by someone 4 like myself in my stove. And so there is a real 5 opportunity here, I think, to find common ground between 6 the environmental community, a group that I represent in 7 my own work in addition, as well with the oil and gas 8 industry.</p> <p>9 I think there's been some success both in 10 terms of EPA's Quad O rules as well as in some of the 11 state rulemaking processes that define some common 12 ground where we can accommodate each other's interests 13 while ensuring that we're protecting our atmosphere and 14 ensuring that we are protecting the oil and gas resource 15 on public lands.</p> <p>16 I think that's also a really critical point 17 to remember here: We're talking about federal oil and 18 gas resources. These are resources that are held in 19 trust for the public. There's been a lot of discussion 20 about the economics involved in capturing gas. The 21 economics really need to be driven by public trust 22 economics, taking into account the fact that we are not 23 here simply to exploit the federal oil and gas resource 24 in the short term but to manage it over the long term 25 for the greatest benefit of the American society.</p>	<p style="text-align: right;">Page 76</p> <p>1 feel like some of the national arguments that are being 2 made against BLM or EPA proceeding with addressing 3 methane from this industry and maybe saying -- New 4 Mexico is smart enough to understand we've got to do 5 something about methane, but there are some national 6 arguments that are being made.</p> <p>7 One argument that's being made is that 8 methane isn't that significant. And, you know, that 9 argument was made in the Massey EPA case. I just 10 stepped down from teaching environmental law, and the 11 argument was, oh, it isn't that important. And the 12 U.S. Supreme Court, the majority said it may not be that 13 important, but we've got to go after each piece. One 14 estimate is that methane emissions from oil and gas 15 equal 204 coal-burning -- coal-fired power plants in 16 terms of the importance of the greenhouse gases because 17 of the potency of methane.</p> <p>18 Another argument that's been made a little 19 bit here is that the data are inadequate. And I've been 20 doing environmental regulation for about 35 years in New 21 Mexico. We often hear that we don't know enough.</p> <p>22 I think the notion that we wait for the 23 Quad O rules to go into effect, in terms of monitoring 24 methane emissions, we really don't need to do so. What 25 we're concerned with in this meeting and we're concerned</p>
<p style="text-align: right;">Page 75</p> <p>1 So thinking about those economywide 2 economics, those public trust economics, accounting for 3 the social cost of methane waste and venting to the 4 atmosphere. So that economic issue will be very, very 5 critical.</p> <p>6 Thank you.</p> <p>7 MR. SPISAK: Thank you.</p> <p>8 MS. BOYD: I'm Denise Boyd, and I'm a 9 volunteer for the Sierra Club.</p> <p>10 I wondered if all the Sierra Club 11 volunteers that are here could just raise your hands 12 just to acknowledge the people who came. Thank you very 13 much. There are a few staff people, and there's a lot 14 more people than I expected to see at this hearing 15 generally.</p> <p>16 I want to convey the urgency that we feel 17 about climate change, climate destruction in the public 18 at large. And I think for everybody here who lives in 19 the Southwest, we're feeling it right now as things are 20 drying up; we're feeling it with the fire dangers that 21 are upon us.</p> <p>22 The president's actions in declaring 23 methane to be of critical concern are ones that hearten 24 me, and I would almost like to -- Eric made such a 25 positive note, I don't want to undo it at all, but I</p>	<p style="text-align: right;">Page 77</p> <p>1 with the EPA moving forward is going after existing 2 sources. We've got lots of data, not enough data, but 3 we've got enough to know. And certainly in our private 4 lives, we'd act, with this much data, about the 5 importance of regulating methane from existing sources.</p> <p>6 It's been argued that it's expensive to do 7 something about some of these sources. And I -- as I 8 said in my comments earlier, in environmental 9 regulation, we don't usually look at the expense to an 10 individual, we look at the cost/benefit.</p> <p>11 And Verne Loose, who spoke earlier, was 12 modest. He's a Ph.D. in economics who's just retired 13 from Los Alamos and is doing economics there. We 14 usually look at cost/benefit to society. If there are 15 operators who can't afford regulation, then if the costs 16 to society are too high, then they shouldn't be in 17 business. And if it is appropriate for them to get 18 short-term variances and so on, then usually 19 environmental regulation has some way for that to be 20 true.</p> <p>21 But you certainly can't run a regulatory 22 system based on a case-by-case determination as to 23 whether or not a particular operator can afford it. 24 Indeed, that would encourage operators who can't afford 25 it to be in business and penalize those who can afford</p>

20 (Pages 74 to 77)

<p style="text-align: right;">Page 78</p> <p>1 to regulate.</p> <p>2 Another argument that's often made is that</p> <p>3 the industry is going to leave X, Y or Z. Usually,</p> <p>4 regarding environmental regulation in New Mexico, the</p> <p>5 argument is "Well, we won't stay in New Mexico any</p> <p>6 longer. Maybe in this case, we're going to leave BLM</p> <p>7 lands in general."</p> <p>8 But we -- I've heard many of these threats</p> <p>9 over the years. And usually, if the oil is valuable</p> <p>10 enough, the gas industry is not likely to leave. It</p> <p>11 certainly is a good thing to have national regulation in</p> <p>12 this instance, though.</p> <p>13 And I think that would turn me to the</p> <p>14 argument that I've heard most commonly within New</p> <p>15 Mexico, and this is the argument on the one hand of</p> <p>16 regulatory duplication. I've never heard industry argue</p> <p>17 that EPA should regulate. I'm delighted to hear that,</p> <p>18 and I'm tempted to turn to it on many occasions.</p> <p>19 But I would say, for my experience, it's</p> <p>20 quite clear in New Mexico that the state is not going to</p> <p>21 regulate. We've actually had state regulations on the</p> <p>22 pit rule, with which many people in this room are</p> <p>23 familiar, that have been undone. We've had state</p> <p>24 regulations on groundwater applicable to the mining</p> <p>25 industry that have been undone. We've had greenhouse</p>	<p style="text-align: right;">Page 80</p> <p>1 represented at the mic. And I wonder, respectfully, to</p> <p>2 the man from Artesia whether they have the same vision</p> <p>3 for their future.</p> <p>4 I realize that industrialization of our</p> <p>5 land and the gas and oil industry has been good for your</p> <p>6 generation, but I wonder if that's going to be good for</p> <p>7 the generation going forward, the industrialization of</p> <p>8 our landscape, whether we need to move to a more</p> <p>9 balanced landscape, as this gentleman here was saying.</p> <p>10 And what that looks like: Do we need to continue on</p> <p>11 with the ways we live today?</p> <p>12 I want to read, in keeping with my kind of</p> <p>13 moral position, from the Pope, actually. In January, he</p> <p>14 offered a comment that I think is very pertinent to this</p> <p>15 issue. "Even if nature is at our disposition, all too</p> <p>16 often, we do not respect it or consider it a gracious</p> <p>17 gift which we must care for and (inaudible) the service</p> <p>18 of our brothers and sisters, including future</p> <p>19 generations. God always forgives, humans sometimes</p> <p>20 forgive, but when nature is mistreated, she never</p> <p>21 forgives."</p> <p>22 MR. SPISAK: Thank you.</p> <p>23 Any other question, comment? Going one,</p> <p>24 going twice? Oh, we've got somebody standing up.</p> <p>25 Ma'am?</p>
<p style="text-align: right;">Page 79</p> <p>1 gas cap and trade system that has been undone, and of</p> <p>2 course we haven't collected a single fine from the oil</p> <p>3 and gas industry in three years because of a court case</p> <p>4 which has not been overturned or not been remedied by</p> <p>5 the state legislature, leaving an enormous loophole in</p> <p>6 terms of the industry.</p> <p>7 So I would say that regulation by state</p> <p>8 government of the oil and gas industry in our state is</p> <p>9 pretty much a cold day in hell. It's not going to</p> <p>10 happen. We are going to need regulation at a national</p> <p>11 level. We need it with respect to fracking fluids, we</p> <p>12 need it with respect to groundwater pollution, with</p> <p>13 respect to open pits.</p> <p>14 We're not getting regulation out of the</p> <p>15 state. We should not be looking to the state for</p> <p>16 regulation of these areas, and we certainly can't look,</p> <p>17 in this state, for regulation of greenhouse gases at a</p> <p>18 state level.</p> <p>19 Thank you.</p> <p>20 MR. SPISAK: Thank you.</p> <p>21 MS. AMSTUTZ: I'd like to have a word.</p> <p>22 Anita Amstutz again, New Mexico Interfaith Power and</p> <p>23 Light.</p> <p>24 I notice at these hearings, there's rarely,</p> <p>25 if ever, people from the 20-something generation</p>	<p style="text-align: right;">Page 81</p> <p>1 MS. McCALLAN: Norman McCallan here. Sorry</p> <p>2 for my bad, bad laryngitis.</p> <p>3 I really appreciate your convening this</p> <p>4 forum today. I think it's been very useful, and</p> <p>5 overdue. And it's not about doing away with oil</p> <p>6 production, nobody is suggesting that, it's just doing</p> <p>7 it better and more efficiently and effectively.</p> <p>8 We're in another year of drought, parched</p> <p>9 fields, dwindling water resources, higher temperatures,</p> <p>10 and no end in sight. I think we've only recently</p> <p>11 realized the huge impact of methane gas on climate</p> <p>12 change. And in this issue today, it appears many steps</p> <p>13 can be taken to capture and reduce it, at the profit</p> <p>14 sometimes of the operators themselves.</p> <p>15 And so I hope that you'll move ahead and</p> <p>16 work with the EPA as closely as you can and do it with</p> <p>17 all deliberate speed.</p> <p>18 MR. SPISAK: Thank you.</p> <p>19 Jesse, Linda, any closing words?</p> <p>20 MS. LANCE: Yeah. I just wanted to say</p> <p>21 thank you so much to you all for giving us so much of</p> <p>22 your time today. And it does occur to me that I knew we</p> <p>23 were cutting into your workday, but your comment about</p> <p>24 younger people rarely being able to attend these</p> <p>25 meetings, I wonder if that's -- my colleagues will kill</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 me, but maybe we should do this on a Saturday instead 2 and so that a wider range of ages could be present, and 3 people who have day jobs that they can't leave. 4 But in any event, I want to thank you, not 5 only for your time and your thoughtful work on all of 6 this, but for the very civilized tone that everyone had 7 today. And there are obviously going to be 8 disagreements on really challenging issues like this, 9 and I think the way that we reach the best result for 10 those of us who try to think through this and apply some 11 rules to the situation, the best result that we can get 12 comes from the willingness of all of you, with your 13 different perspectives, to speak candidly and 14 thoughtfully, and kindly also, and that's how I think we 15 can work through this. So I appreciate that a lot. I 16 know it's not always easy to do, and I do appreciate it. 17 And also, I really appreciate the range of 18 speakers who are willing to stand up and take the 19 microphone in a big group like this because I know 20 that's not always easy either, and it helps us a lot and 21 it means a lot to all of us. So thanks again. 22 Yes? 23 MS. AMSTUTZ: Sorry to jump up again when 24 you've already closed, but I wanted to make an 25 observation about something that you just said, and that</p>	<p style="text-align: right;">Page 84</p> <p>1 understand why we're so concerned from a health 2 standpoint. I can't claim to know much about the health 3 impact of being in the oilfield, but I did want to 4 clarify that what we are talking about is something more 5 at the climactic scale, that when we're looking at 6 global warming, that what we're seeing is because there 7 are seven billion people on planet earth now, and so 8 many of us are producers and users that the global 9 impact on climate is of great concern, and that it's 10 started to affect us very deeply locally. 11 And so I thought that it was worth 12 mentioning that, at least from our perspective, that 13 that's what we're talking about. 14 You know, my great grandfather laid some of 15 the first natural gas pipelines in the West as part of a 16 large group, so I would hate to leave here having anyone 17 think that, as a society or even as a group of 18 environmentalists, that we're not aware or thankful for 19 the resources that we use up to this point. 20 But as a society, you know, if the baby has 21 got a fever, we'd better do something about it. And if 22 we can figure out how to do that together and come up 23 with solutions that are good for the climate and good 24 for the economy and that we can work on together, we're 25 going to be a lot better off.</p>
<p style="text-align: right;">Page 83</p> <p>1 is that this is one of the first public hearings that 2 I've been to in recent memory where there was such an 3 open forum. 4 There's been a tendency lately -- I've been 5 to three BLM hearings in the space of a week and a half 6 where they're doing an open house model. And I 7 understand the benefit of a one-on-one conversation, but 8 from a community standpoint, it's awfully helpful to 9 understand the broad array of perspectives, whether it's 10 from the petroleum industry or from the array of 11 environmental community organizations that might be 12 available. 13 An observation that I might have is that, 14 from an agencywide standpoint, that there be a 15 requirement for an open conversation time during the 16 public hearing so that people can learn from one 17 another. 18 I think, adding to the youthful generation 19 part of the question, that really hearings must be in 20 the evening or on the weekends. We had lots and lots of 21 people saying that they would have loved to be here to 22 learn more but couldn't be. 23 And then the final thing that I just wanted 24 to clarify for the gentleman whose name I don't 25 remember, I think we may be assuming that people</p>	<p style="text-align: right;">Page 85</p> <p>1 But the conversation on a national level 2 has gotten so that it's like we're kind of assuming that 3 one another are kind of coming at this from a dishonest 4 standpoint. And I think, from the tone of today's 5 meeting, it's pretty clear that that's not true. And so 6 how can we look for solutions that are going to work for 7 all of us is pretty important, and it seems like this is 8 a good place to start. 9 Thanks. 10 MS. LANCE: Thank you. No, that's fine. 11 And just to close, maybe your neighbor, Jesse Juen, 12 might want to say a few words to the people from New 13 Mexico. 14 MR. JUEN: I'd also like to express my 15 thanks. And I want to highlight something that I think 16 is rather rare, and it gets back to some lawyer talking 17 about that New Mexicans really do get together and have 18 conversations. I've been in many states, been back in 19 D.C., and oftentimes, it's a rhetoric about -- that's 20 going like this. And it's not about having a 21 conversation. 22 So I thank you for taking time -- your 23 time, your personal time to make sure even though -- 24 whether you're representing yourself and it's important 25 to you individually or whether you're representing a</p>

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1 group, it's really important. So thank you again for
2 displaying how community interaction should occur and
3 why it's so important us to. We really appreciate it.

4 MS. LANCE: Thank you, everybody.

5 MR. SPISAK: Thank you all. Have good one.

6 HEARING ADJOURNED.
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1 STATE OF NEW MEXICO)
2 COUNTY OF SANDOVAL)
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5 I, ANNE D. WIESE, RPR, CCR, hereby
6 certify that I reported, to the best of my ability, the
7 proceedings; that the pages numbered ____ through ____,
8 inclusive, are a true and correct transcript of my
9 stenographic notes and were reduced to typewritten
10 transcript through computer-aided transcription; that on
11 the day I reported these proceedings, I was a New Mexico
12 Certified Court Reporter.

13 Dated at Placitas, New Mexico, this 22nd
14 day of May, 2014.
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17

18 ANNE D. WIESE, RPR, CCR
19 New Mexico CCR #301
20 Expires: December 31, 2014
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